REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for courtesies extended during the Examiner Interview conducted on September 21, 2006.

Disposition of Claims

Claims 1-9, 12-15, 17, 21-25, 28, and 31 are currently pending in this application. Claims 1 and 21 are independent. Claims 2, 4, 5, and 22 have been canceled by this reply. The remaining claims depend, directly or indirectly, from claims 1 and 21.

Claim Objections

Independent claims 1 and 21 are objected to for lacking the separation of the preamble and the body of the claims using the phrase "comprising." Independent claims 1 and 21 have been amended to clearly recite a preamble, where the preamble and the body of the claims are separated by the phrase "comprising."

In addition, claims 2-5 are objected to as being of improper dependent form for failing to further limit the subject matter of independent claim 1. As discussed during the Examiner Interview conducted on September 21, 2006, claims 2, 4, and 5 have been canceled by this reply, and the subject matter of the canceled claims has been incorporated into independent claim 1. Further, claim 3 has been amended to depend from claim 1.

Accordingly, withdrawal of these objections is respectfully requested.

Double Patenting Rejections

Claims 1-9, 12-15, 17, 21-25, 28, and 31 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-23 of US Patent No. 6,286,103. A terminal disclaimer in compliance with 37 C.F.R. § 1.321 is enclosed with this reply. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-9, 12-15, 17, 21-25, 28, and 31 are provisionally rejected under non-statutory obviousness-type double patenting as being unpatentable over claims 4-20 and 30-36 of co-pending Patent Application No. 09/622,137, filed on August 11, 2000. A terminal disclaimer in compliance with 37 C.F.R. § 1.321 is enclosed with this reply. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Amendments

As discussed with the Examiner during the Examiner Interview conducted on September 21, 2006, independent claims 1 and 21 have been amended to include the subject matter of dependent claims 2 and 22, respectively. In addition, the subject matter of dependent claims 4 and 5 is also incorporated into independent claims 1 and 21. Thus, independent claims 1 and 21 now recite that an initial session key value shared between the decoder and the portable security module and an ordered sequence of session keys is used to generate a definitive session key. Further, independent claims 1 and 21 have been amended to clear up the language of the claims and recite specific method steps and apparatus components, respectively.

Applicant asserts that no new subject matter is added by way of these amendments. Support for these amendments may be found, for example, on pages 4 and 20-21 of the Specification, and in the original dependent claims.

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Rejections under 35 U.S.C. § 112

Claims 2-5 and 22 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the phrase "definitive session key" is not defined in the Specification. As discussed during the Examiner Interview, the phrase definitive session key is described in the Summary of the Invention on page 4 of the Specification. Furthermore, as agreed to by the Examiner, because the claims have been amended to include limitations reciting how the definitive session key is generated and used (*i.e.*, using an ordered sequence of session keys to generate the definitive session key), adequate disclosure of the phrase "definitive session key" is met by the disclosure of the initial session key value and the ordered sequence of session keys, described on pages 20-21 of the Specification. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-9, 12-15, 17, 21-25, 28, and 31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The phrase "equivalent" has been removed from independent claims 1 and 21. That is, "equivalent transport key" has been changed to "the transport key," which refers to the same transport key recited earlier in each independent claim. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-9, 12-15, 17, 21-25, 28, and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,178,244 ("Takeda") in view of US Patent No. 5,748,735 ("Ganesan"). Claims 2, 4, 5, and 22 have been canceled by this reply. Thus, this rejection is now moot with respect to claims 2, 4, 5, and 22. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As discussed with the Examiner during the Examiner Interview conducted on September 21, 2006, independent claims 1 and 21 have been amended to recite that at least one session key from the plurality of precalculated key pairs is used to generate a definitive session key, which is subsequently used to encrypt/decrypt data communicated between the decoder and the portable security module (*see* Specification, page 4). More specifically, the definitive session key is generated by using an initial session key value known to both the decoder and the portable security module (*see* Specification, pages 4 and 20). The initial session key value is encrypted using an ordered sequence of session keys, and the order of the session keys used to encrypt the initial session key value is communicated from the decoder to the portable security module so the portable security module, along with the encrypted version of the at least one session key used to generate the definitive session key (*see* Specification, pages 4 and 20). Using these two pieces of information, the portable security module can decrypt the encrypted version of the session key and obtain the definitive session key. Once both devices have the definitive session key, data communicated between the devices is secure.

Turning to the rejection of the claims, Takeda fails to teach or suggest the limitations of the amended independent claims. Further, Ganesan fails to supply that which Takeda lacks. In particular, both Takeda and Ganesan fail to disclose or suggest generating a definitive session key using an initial session key value encrypted multiple times in both devices using an ordered sequence of session keys, and using at least one session key from the plurality of session keys associated with the plurality of precalculated key pairs stored in the decoder. Further, Takeda and Ganesan fail to teach or suggest using the order of session keys and decrypting the encrypted version of the at least one session key to obtain the definitive session key on the portable security module end.

In view of the above, it is clear that Takeda and Ganesan, whether considered separately or in combination, fail to render the amended independent claims obvious. Therefore, amended independent claims 1 and 21 are patentable over Takeda and Ganesan. Dependent claims 3, 6-9, 12-15, 17, 23-25, 28, and 31 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/034001).

Dated: September 27, 2006   Respectfully submitted,
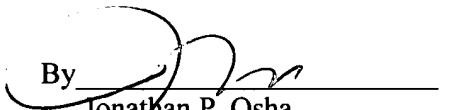
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